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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उपखण्ड (i)

PART II—Section 3—Sub-section (i)

अधिकार से प्रकाशित

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नई दिल्ली, सोमवार, अगस्त 18, 1969/श्रावण 27, 1891

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NEW DELHI, MONDAY, AUGUST 18, 1969/SRAVANA 27, 1891

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF EXTERNAL AFFAIRS

NOTIFICATION

New Delhi, the 18th August 1969

G.S.R. 1976.—In exercise of the powers conferred by Item 18 of the Second Schedule to the Extradition Act, 1962 (34 of 1962), the Central Government hereby specifies the offences of "voluntarily causing grievous hurt" and "public servant taking gratification other than legal remuneration in respect of an official act" which if committed in India would be punishable respectively under section 322 and section 161 of the Indian Penal Code, 1860 as extradition offences within the meaning of the Extradition Act, 1962 (34 of 1962), in relation to the Republic of Uganda.

2. This notification shall come into force on the 18th day of August, 1969.

[No. L/413(1)/69.]

ORDER

New Delhi, the 18th August 1969

G.S.R. 1977.—Whereas the extradition treaty between the Government of India and the Government of the Republic of Uganda, concluded by an exchange of notes between the two Governments, provides as in the Annexure to this Order;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 3 of the Extradition Act, 1962 (34 of 1962), the Central Government hereby directs that the provisions of the said Act, other than those of Chapter III, shall apply to the Republic of Uganda with effect from the 18th day of August, 1969.

ANNEXURE

HIGH COMMISSION OF INDIA

(Kampala (Uganda))

April 11, 1969.

Your Excellency,

Pursuant to the discussions between the representatives of the Government of India and the Government of Uganda, I have the honour to propose the following arrangements regarding the extradition of fugitive criminals as between the two countries:

- (i) A requisition for extradition of a fugitive criminal from the territory of one country to another, and the procedure for extradition will be regulated by the extradition laws of each country.
- (ii) Extradition will not be refused on the ground that the fugitive criminal concerned is a national of the State from which extradition is sought or that he is not a national of the State which seeks extradition. However, the offence which the fugitive criminal is alleged to have committed must have been committed within the territory of the State which seeks extradition.
- (iii) In accordance with the relevant extradition laws of India and Uganda, a person who has been extradited shall not be tried for any offence other than that for which he has been extradited.
- (iv) Extradition will not be granted if the offence in respect of which extradition is sought is of a political character.
- (v) Both countries will take steps to ensure that this arrangement will be implemented in their respective territories in accordance with their respective laws.
- (vi) This arrangement will continue to be in force for a period of five years unless it has been terminated earlier by either side giving six months notice.

2. I have the honour to propose that my letter and your reply thereto will constitute an agreement between our two countries which shall come into force from the date of your reply confirming the agreement set out above.

Please accept, Excellency, the assurances of my highest consideration.

Sd/- RAGHUNATH SINHA,
High Commissioner of India.

His Excellency Hon. Mr. S. N. Odaka, M.P.,
Minister for Foreign Affairs,
Government of the Republic of Uganda, ENTEBBE.

MINISTRY OF FOREIGN AFFAIRS

P.O. Box 122, Entebbe, Uganda.

13th May, 1969

Your Excellency,

I have the honour to acknowledge the receipt of your letter No. KAM/CONS/653 dated 11th April, 1969, which reads as follows :

"Your Excellency,

"Pursuant to the discussions between the representatives of the Government of India and the Government of Uganda, I have the honour to propose the following arrangements regarding the extradition of fugitive criminals as between the two countries :

- (i) A requisition for extradition of a fugitive criminal from the territory of one country to another, and the procedure for extradition will be regulated by the extradition laws of each country.
- (ii) Extradition will not be refused on the ground that the fugitive criminal concerned is a national of the State from which extradition is sought or that he is not a national of the State which seeks extradition. However, the offence which the fugitive criminal is alleged to have committed must have been committed within the territory of the State which seeks extradition.
- (iii) In accordance with the relevant extradition laws of India and Uganda, a person who has been extradited shall not be tried for any offence other than that for which he has been extradited.
- (iv) Extradition will not be granted if the offence in respect of which extradition is sought is of a political character.
- (v) Both countries will take steps to ensure that this arrangement will be implemented in their respective territories in accordance with their respective laws.
- (vi) This arrangement will continue to be in force for a period of five years unless it has been terminated earlier by either side giving six months notice.

2. I have the honour to propose that my letter and your reply thereto will constitute an agreement between our two countries which shall come into force from the date of your reply confirming the agreement set out above.

"Please accept, Your Excellency, the assurances of my highest consideration."

I have the honour to inform you that the foregoing proposal has the agreement of the Government of Uganda who therefore approve Your Excellency's suggestion that your letter and the present reply shall constitute an agreement between the two countries and that the agreement shall come into force from today's date.

I take this opportunity to renew, Your Excellency, the assurances of my highest consideration.

Sd/- S. N. ODAKA,
Minister of Foreign Affairs.

His Excellency Mr. Raghunath Sinha,
High Commissioner of India, P.O. Box 7040,
KAMPALA.

[No. L/413(1)/69.]
Dr. K. KRISHNA RAO, Jt. Secy.
and Legal Adviser.

